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# Milk Producers Council

*"Serving the Dairy Industry for Over 50 Years"*

November 4, 2004

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Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive #200  
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**Subject: Comments Concerning the Administrative Draft National Pollutant Discharge Elimination System General Permit.**

Milk Producers Council, a non-profit trade organization representing dairies throughout California, would like to make the following comments and recommendations Concerning the Administrative Draft National Pollutant Discharge Elimination System General Permit and Waste Discharge Requirements General Order For Existing Concentrated Animal Feeding Operations (Milk Cow Dairies) Sacramento River, San Joaquin River, and Tulare Lake Basins.

As a preliminary matter, MPC recognizes that the Central Valley Regional Water Quality Control Board is required to implement both federal and state law, where applicable, to Concentrated Animal Feeding Operations (CAFOs). However, the draft permit proposed is confusing, overly extensive, inefficient and extremely resource intensive.

I urge the Central Valley Regional Water Quality Control Board to reconsider the extensive recordkeeping requirements that the proposed permit would impose on producers. For instance, there are eleven reporting requirements for dairy operators. This is burdensome and time intensive, requiring massive amounts of paperwork and financial resources for the dairy industry and the regulatory community.

We are also concerned that the ambitious time schedules for implementation are unachievable. Board staff should properly evaluate the available resources (i.e. agronomists, geologists, engineers and soil laboratories) needed to implement the plan before proposing an adequate timeframe. It is of our opinion, that there are not enough qualified individuals or groups that can handle the engineering and agronomy workload for several hundred dairies within the period proposed by staff. In Region 8, for example, there are less than 250 dairy facilities that need to prepare and implement Engineered Waste Management Plans (EWMPs). In order to account for the lack of qualified engineers and available staff within the Regional Board, Region 8 has to extend the submittal dates established in 1999 and are still evaluating and approving plans.

The groundwater-monitoring component of the permit is troublesome. The permit indicates that, "Groundwater Monitoring will be used to determine the effectiveness of the waste management practices to protect groundwater quality." Well monitoring data specific to an individual site does not take into consideration surrounding groundwater influences. Nor does it give an adequate picture of previous groundwater issues a site might have experienced beyond dairy. Usually when

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evaluating groundwater data in relation to surface impacts, it takes a number of samples possibly over several years and can often be inconclusive.

We do believe, however, that there are alternative measures the Board can incorporate into the draft permit that would achieve water quality objectives and yet streamline and simplify the permitting process. For instance, existing industry programs can become an integral part of the proposed permit. The California Dairy Quality Assurance Program (CDQAP) is a unique partnership between the dairy community, the State of California, regulatory agencies and the University of California that addresses dairy environmental compliance. The CDQAP can be an essential component in achieving environmental compliance that will not only benefit water quality but the dairy industry as well. The CDQAP can be implemented into a general NPDES program by integrating it into the Waste Management Plan and Nutrient Management Plan. By requiring a certified engineer and agronomist to prepare a plan, a dairy producer would expend a large amount of time and money without much direct involvement. The CDQAP, which can be certified by an engineer and agronomist, and would bring the dairy producer into compliance through education and direct participation.

There are also opportunities to work within existing monitoring programs. There are County districts, in San Joaquin, for example, which already have dairy monitoring and sampling programs for stormwater. Staff should review potential collaboration with these districts in the sampling of stormwater as part of the proposed permit.

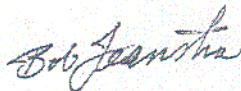
We believe staff should also assess the potential to conduct more region wide groundwater monitoring programs. For instance, in the Chino Basin, over 150 dairy producers are part of a collective program to monitor groundwater. Producers sample their individual wells and submit the information to a local jurisdiction where a geologist analyzes it.

Also, there is no indication regarding what happens when the plans are submitted. No assurance is given to the producer once he submits his plans. Is there a certification or verification process? How will the producer know that once his plans are submitted that he will receive a timely and appropriate response? We would request that timeframes are also given to Board staff in evaluating and approving these plans.

Finally, we are concerned about the overall economic impacts these requirements will have? Will the Regional Board have an obligation to do a socio-economic impact report on the proposed permit. When a permit requires extensive monitoring and reporting, detailed engineering and waste management, costs in operations will rise exponentially. The dairy industry has no way of passing these costs through to the consumer.

Thank you for allowing us to comment on this very important issue. If you have any questions, please call Nathan deBoom or myself at 909-628-6018.

Sincerely,



Bob Feenstra  
Executive Director